

UNITED STATES DISTRICT COURT FOR THE  
DISTRICT OF NEW HAMPSHIRE

United States of America

v.

Case No. 06-cr-42-01-SM

Thomas Lavery

O R D E R

Defendant Lavery's motion to continue the final pretrial conference and trial is granted (document 34). It is perhaps past the time in which the parties ought to consider seeking a transfer of this case to the district in which the defendant lives for disposition, rather than seek additional continuances due to defendant's apparent inability to procure his own transportation from the west coast. Since the defendant is in financially difficult circumstances, and there appears to be no reason to burden the government with transportation costs when another district can easily handle the matter, disposition in another district seems like an attractive alternative for all concerned.

Trial has been rescheduled for the October 2007 trial period. Defendant Lavery shall file a waiver of speedy trial rights not later than July 18, 2007. On the filing of such waiver, his continuance shall be effective.

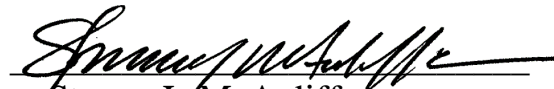
The Court finds that the ends of justice served by granting a continuance outweigh the best interest of the public and the defendant in a speedy trial, 18

U.S.C. § 3161(h)(8)(B)(iv), in that failure to grant a continuance would unreasonably deny defendant the reasonable time necessary for effective preparation taking into account the exercise of due diligence under the circumstances.

**Change of Plea:** September 4, 2007 at 9:30 a.m.

**Jury Selection:** October 10, 2007 at 9:30 a.m.

SO ORDERED.

  
Steven J. McAuliffe  
Chief Judge

July 3, 2007

cc: Lawrence Vogelmann, Esq.  
Mark Irish, AUSA  
US Probation  
US Marshal